

S. 3523

At the request of Mrs. FEINSTEIN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 3523, a bill to amend the Internal Revenue Code of 1986 to provide that the Tax Court may review claims for equitable innocent spouse relief and to suspend the running on the period of limitations while such claims are pending.

S. 3535

At the request of Mr. TALENT, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 3535, a bill to modernize and update the National Housing Act and to enable the Federal Housing Administration to use risk based pricing to more effectively reach underserved borrowers, and for other purposes.

S. 3609

At the request of Mrs. LINCOLN, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 3609, a bill to amend title XVIII of the Social Security Act to provide for the treatment of certain physician pathology services under the Medicare program.

S. 3727

At the request of Mr. KOHL, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 3727, a bill to amend title XVIII of the Social Security Act to provide for an adjustment to the reduction of Medicare resident positions based on settled cost reports.

S. 3744

At the request of Mr. DURBIN, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 3744, a bill to establish the Abraham Lincoln Study Abroad Program.

S. 3771

At the request of Mr. HATCH, the names of the Senator from Ohio (Mr. VOINOVICH), the Senator from Arkansas (Mrs. LINCOLN) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of S. 3771, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

S. 3791

At the request of Mrs. HUTCHISON, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 3791, a bill to require the provision of information to parents and adults concerning bacterial meningitis and the availability of a vaccination with respect to such disease.

S. 3844

At the request of Mr. NELSON of Nebraska, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 3844, a bill to provide for the investment of all funds collected from the tariff on imports of ethanol in the research, development, and deployment of biofuels, especially cellulosic ethanol produced from biomass feedstocks.

S. 3882

At the request of Mr. KYL, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 3882, a bill to amend title 18, United States Code, to support the war on terrorism, and for other purposes.

S. 3884

At the request of Mr. LUGAR, the names of the Senator from Texas (Mr. CORNYN), the Senator from Pennsylvania (Mr. SPECTER), the Senator from New Hampshire (Mr. SUNUNU) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 3884, a bill to impose sanctions against individuals responsible for genocide, war crimes, and crimes against humanity, to support measures for the protection of civilians and humanitarian operations, and to support peace efforts in the Darfur region of Sudan, and for other purposes.

S. 3887

At the request of Mr. DORGAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 3887, a bill to prohibit the Internal Revenue Service from using private debt collection companies, and for other purposes.

S. 3913

At the request of Mr. MENENDEZ, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 3913, a bill to amend title XXI of the Social Security Act to eliminate funding shortfalls for the State Children's Health Insurance Program (SCHIP) for fiscal year 2007.

At the request of Mr. ROCKEFELLER, the names of the Senator from Rhode Island (Mr. CHAFEE), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 3913, *supra*.

S. RES. 553

At the request of Mr. MENENDEZ, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. Res. 553, a resolution expressing the sense of the Senate that the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that a commemorative postage stamp be issued in honor of Varian Fry.

AMENDMENT NO. 5021

At the request of Mrs. BOXER, her name was added as a cosponsor of amendment No. 5021 intended to be proposed to H.R. 6061, a bill to establish operational control over the international land and maritime borders of the United States.

AMENDMENT NO. 5022

At the request of Mrs. BOXER, her name was added as a cosponsor of amendment No. 5022 intended to be proposed to H.R. 6061, a bill to establish operational control over the international land and maritime borders of the United States.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY:

S. 3919. A bill to assist small business concerns in complying with the Sarbanes-Oxley Act of 2002; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Mr. President, in order for the United States to continue to stand for the fairest, most transparent and efficient financial markets in the world, I believe we must provide assistance to America's small public companies in their efforts to comply with the Sarbanes-Oxley Act.

Just a few years ago, the trust and confidence of the American people in their financial markets was dangerously eroded by the emergence of serious accounting irregularities by some companies and possible fraudulent actions by corporations like WorldCom, Inc., Enron, Arthur Andersen and others. The shocking malfeasance by these businesses and accounting firms put a strain on the growth of our economy. The misconduct by a few senior executives has cost the jobs of thousands of hard-working Americans. The lack of faith in our financial markets contributed to an overall decline in stock values and has caused grave losses to individual investors and pension funds.

By all accounts, Sarbanes-Oxley has been effective in bringing accountability to corporate governance, auditing, and financial reporting for public companies. The dark days of the Enron scandal have given way to a new corporate culture that embraces responsibility and transparency, and for this we have Sarbanes-Oxley to thank. Sarbanes-Oxley has helped restore confidence in our capital markets and helped improve our nation's future economic growth.

However, with compliance also comes cost. And while the cost of complying with the law is small enough to be absorbed by larger corporations, smaller public companies, particularly small minority public companies, have been disproportionately affected by these costs. Small business is the engine of economic growth in our Nation. Almost 60 percent of Americans are employed by small businesses. Small business growth has been critical in developing the high wage jobs for America's future.

Unfortunately, an April 2006 report to the Senate Committee on Small Business and Entrepreneurship by the United States Government Accountability Office (GAO) found that small public firms are incurring much higher audit fees and increased costs in complying with the Sarbanes-Oxley Act.

The report finds that of the 2,263 public firms with market capitalization of less than \$75 million, just 66 have fully implemented Section 404 of the law that requires firms to construct formal internal control frameworks and filed internal control reports. These 66 firms reported paying \$1.14 in audit fees per \$100 of revenue, compared to just \$.13 per \$100 for firms with greater than \$1 billion in market capitalization. I believe we must take action to help small

companies comply with the regulatory burdens of the Sarbanes-Oxley Act.

In addition to the costs associated with internal controls, 81 percent of small firms responding to the GAO survey said they brought in outside consultants to comply with the Act. Nearly half of the small firms reported "opportunity costs" related to complying with the regulatory burden placed on them by the Sarbanes-Oxley Act such as deferring or canceling operational improvements, and more than one-third of respondents were forced to defer or cancel information technology investments. Too many small firms simply do not have the resources and expertise necessary to implement the formal internal control frameworks required by Section 404, and as a result, they are disadvantaged compared to larger firms that are absorbing these costs.

The U.S. Securities and Exchange Commission has provided a lengthy compliance period for small businesses to comply with the Sarbanes-Oxley regulations and is attempting to develop additional methods to ease the regulatory burden. However, I believe additional efforts are needed.

In order to assist these firms with the increased costs of implementation and help our small businesses keep our economy moving forward, I am introducing the Small Business Sarbanes-Oxley Compliance Assistance Act of 2006. The bill would authorize the U.S. Small Business Administration to award grants to small public companies and small business concerns to help lessen the burden of these costs. If Congress is asking these small firms to bear the burden of cost for compliance with Sarbanes-Oxley, the least we can do is chip in and help pay for it. My legislation authorizes \$5 million to be awarded annually through 2011.

My legislation also creates a task force, assembled by the SBA Chief Counsel for Advocacy, and comprising of representatives from the SEC and other appropriate bank regulatory agencies, to report semi-annually on how to assist small public companies in complying with Sarbanes-Oxley. My hope is that this task force will continually find new ways to lift the regulatory burden on small businesses attempting to comply with the law. Each report of the task force will be required to evaluate upgrades or alternatives to the SEC's Electronic Data Gathering Analysis Retrieval System so that companies might submit filings to the SEC without the need for third party intervention. The task force will also report on the potential to reduce inefficiencies related to SEC filings; the feasibility of synchronizing filing requirements for substantially similar small firms; whether the SEC and bank regulatory agencies should commit additional resources to aiding small public firms with filing requirements; whether the SEC needs to publish guidance on reporting and legal requirements aimed at assisting smaller public

firms; and the feasibility of extending incorporation by reference privileges to other Government filings containing equivalent information.

This legislation will help some but not all of the thousands of small firms that are public or hope to become public. As more information becomes available, I am hopeful that the task force will provide ideas on how the SEC can help more of the small, non-accelerated filers implement the Sarbanes-Oxley regulations. We must do all we can to insure that small firms can demonstrate that transparency and accountability in the private sector is thriving without having to incur such a burdensome cost. This legislation is supported by the National Black Chamber of Commerce as well as Small Business Majority. I ask all my colleagues to support this legislation.

By Mr. HATCH (for himself and Mr. CONRAD):

S. 3920. A bill to amend part B of title XVIII of the Social Security Act to assure access to durable medical equipment under the Medicare Program; to the Committee on Finance.

Mr. HATCH. Mr. President, today I am pleased to introduce the Medicare Durable Medical Equipment Access Act with my colleague Senator KENT CONRAD of North Dakota. This bill makes several modest changes to the competitive acquisition process for this equipment.

In 2007, a competitive acquisition program will replace the current reimbursement policy for durable medical equipment in Medicare. This shift toward a market-based approach to payments for durable medical equipment was mandated through the Medicare Modernization Act (MMA) of 2003.

Our bill was written with two key goals in mind. The Medicare Durable Medical Equipment Access Act would preserve access to home medical equipment in rural areas for older or disabled Americans who need this equipment. In addition, the bill will allow small businesses that provide homecare equipment to continue to participate in the Medicare Program if they qualify and meet the competitively bid price.

Our legislation is identical to H.R. 3559 which was introduced earlier this Congress by Congressmen DAVID HOBSON and JOHN TANNER. That bill has broad, bipartisan support and 132 House cosponsors.

As background, section 302(b)(I) of the MMA requires Medicare to replace the current durable medical equipment payment methodology for certain items with a competitive acquisition process beginning in 2007 in 10 of the largest metropolitan statistical areas (MSAs).

The Medicare Durable Medical Equipment Access Act would require several modest changes to the competitive acquisition program.

First, the MMA requires the Secretary to include quality standards in

the competitive acquisition process and also allows the Secretary to waive the application of quality standards if applying the standards would delay implementation of the process. However, quality standards are essential to ensuring that beneficiaries are not forced to use the lowest-cost provider without consideration of the quality of the medical equipment items provided. This bill would require the Secretary to include quality standards before implementing competitive acquisition.

Second, the MMA allows the Secretary to exempt rural areas and urban areas with low population density to ensure that competitive acquisition is not implemented in areas that lack the health care infrastructure to support it. This bill would require the Secretary to exempt MSAs with fewer than 500,000 people.

Third, the MMA created a Program Advisory and Oversight Committee composed of stakeholders to advise the Secretary on the implementation of competitive acquisition. However, the MMA does not apply the Federal Advisory Committee Act (FACA) to it. The purpose of FACA is to ensure that advice rendered to the executive branch by advisory committees be both objective and accessible to the public. This bill would apply FACA to this oversight committee.

Fourth, the MMA allows the Secretary to contract with only as many providers as the Secretary deems necessary to meet the demand of an area. Any provider not awarded a contract would be prohibited from participating in Medicare for up to 3 years. This bill would allow applicable small businesses that did not receive a contract to continue to provide durable medical equipment in Medicare at the competitive acquisition bid rate.

Fifth, the MMA explicitly prohibited administrative or judicial review for competitive acquisition of DME. This means that providers do not have legal recourse to appeal the bid amount or contracts. My bill would restore appeal rights for competitive acquisition of DME. These rights exist elsewhere in the Medicare program.

Sixth, under the MMA, the Secretary can only competitively acquire an item if the Secretary believes that doing so would result in significant savings to Medicare. It is important for the Secretary to show that the savings from competitive acquisition justify constructing a bureaucracy to implement the program. To that end, this bill would require the Secretary to show that competitive acquisition would result in savings of at least 10 percent.

Finally, under the MMA, the Secretary can use competitive acquisition bid rates in one MSA to set the reimbursement for another MSA. Our bill would require that, before doing so, the Secretary conduct a comparability analysis of the two MSAs. This will help prevent any applications of bid rates outside of an MSA that are inappropriate.

The new, market-based competitive acquisition program in Medicare is designed to save money and make Medicare more efficient. In order to achieve this goal, we need to preserve access to care and preserve the cost-effective health care infrastructure that homecare represents. This bill will help ensure that the market reforms enacted by the MMA accomplish both cost savings and continued access to cost-effective care.

Before I close, I would like to give a real life example from my home state of Utah on why this legislation is needed and necessary. A small provider of durable medical equipment in Utah approached me about how current law will impact him. This company was established in 1997 with just one employee. It has grown over the years by providing its customers the products that they need to stay at home and out of the hospitals.

When competitive bidding hits the State of Utah in 2007, this small company will be forced to bid against large national companies. Much larger companies compete with the smaller ones to provide medical equipment such as wheelchairs, in home hospital beds, and home oxygen. If my Utah company loses the bid, it will go out of business, as will many of its smaller competitors in Utah. This company prides itself on being able to provide customers with a high quality of service. The owner of the company has asked me how he can continue to provide great service when his company has been forced to bid to the lowest price possible just to keep from going out of business.

Therefore, this legislation means a lot to small companies not just in Utah, but all over the country, by allowing them to continue to provide medical equipment to those who need it.

I heard from several small medical equipment companies in my home State of Utah for several years on this issue and they made very convincing arguments. That is why I am introducing the Medicare Durable Medical Equipment Access Act. I strongly urge my colleagues to talk to their constituents back home who own small durable medical equipment companies. I am certain that these companies are experiencing concerns similar to those shared with me.

I urge my colleagues to cosponsor this legislation so that Medicare beneficiaries will continue to receive quality care at affordable prices for their medical supplies.

Mr. CONRAD. Mr. President, today I am pleased to join my colleague, Senator HATCH, in introducing the Medicare Durable Medical Equipment (DME) Access Act. This bill responds to the concerns I heard from seniors and suppliers in North Dakota about the negative impact competitive bidding could have on the ability of DME suppliers in rural States to remain viable. The bill we introduce today is designed to preserve access to DME in rural areas.

The Medicare Modernization Act (MMA) required Medicare to replace the current DME payment methodology for certain items with a competitive acquisition process beginning in 2007 in 10 of the largest metropolitan statistical areas (MSAs). The Medicare Durable Medical Equipment Access Act would require several modest changes to the competitive acquisition program to help preserve access to medical equipment in rural areas.

First, our bill would build upon language in the MMA that allows the Secretary to exempt rural areas to prevent these beneficiaries from losing access to needed medical equipment. Specifically, it would require the Secretary to exempt MSAs with fewer than 500,000 people.

Second, the MMA allows the Secretary to waive the application of quality standards in the competitive acquisition process if applying the standards would delay implementation. Our bill would ensure that quality standards are included when determining the winning bid to ensure that patients receive both high-quality and low-cost equipment.

Third, in creating the competitive acquisition program, the Secretary may contract with only as many providers as deemed necessary to meet demand in an area. Any provider not awarded a contract would be prohibited from participating in Medicare for up to three years. This bill would allow certain small businesses to continue providing DME in Medicare at the competitive acquisition bid rate, allowing them to offer in-person care to Medicare beneficiaries.

Fourth, under the MMA, the Secretary can use competitive acquisition bid rates in one MSA to set the reimbursement for another MSA. Our bill would require that the Secretary compare the two to ensure that the bid rates aren't inappropriately applied.

Finally, the Medicare Durable Medical Equipment Access Act would take additional steps to ensure that competitive acquisition results in savings, that providers have access to administrative and judicial review, and that any meetings of the newly created CMS Program Advisory and Oversight Committee on competitive bidding be open to the public.

These provisions are small steps, but they will ensure that beneficiaries in rural areas have access to the medical equipment they need. While we should pursue options for making the Medicare program more efficient, we must also protect access to care. I believe this bill achieves the appropriate balance between these two goals. I urge all of my colleagues to support this important legislation.

By Mr. MCCAIN:

S. 3921. A bill to modify the calculation of back pay for persons who were approved for promotion as members of the Navy and Marine Corps while interned as prisoners of war during World

War II to take into account changes in the Consumer Price Index; to the Committee on Armed Services.

Mr. MCCAIN. Mr. President, today I am introducing the World War II POW Pay Equity Act of 2006. This legislation would ensure that former World War II Prisoners of War, or their surviving spouses, receive the appropriate back pay for their honorable service, adjusted for inflation.

Due to a technicality, Navy and Marine Corps POWs during World War II were denied promotions while they were interned. The Fiscal Year 2001 National Defense Authorization Act included provisions to correct this injustice. Unfortunately, this legislation did not specify an adjustment for inflation. The result was that these heroes of our "greatest generation" were paid in 1942 dollars which roughly equated to ten cents on the current dollar. It is well past time to properly compensate them for their dedicated service.

When our great Nation called upon these brave individuals, they answered the call. Now they need our help to fix a technicality that has denied them the full amount of the back-pay they are due, pay that was earned in the harshest of environments. Many of these WWII veterans suffer from extreme financial distress. The total number of surviving WWII POWs is now less than 1,000, and there are approximately 400 surviving spouses. We cannot abandon those who were truly responsible for defending the liberties we hold so dear. It would be shameful for Congress and our Nation not to compensate fairly these veterans, as this is a debt that our country incurred during their internment as POWs.

The impact of this legislation goes well beyond those who have so bravely gone before us in defense of our Nation. This is a readiness issue as well. Today's service members are acutely aware of the manner in which our Nation honors its veterans. President George Washington reminded all of his fellow Americans of the keen relationship between our Nation's veterans and those on active duty when he said, "The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional as to how they perceive the Veterans of earlier wars were treated and appreciated by their country." That statement holds just as true today as it did over 200 years ago.

I urge my colleagues to support this legislation.

By Ms. MURKOWSKI (for herself, Ms. STABENOW, and Mr. AKAKA):

S. 3922. A bill to clarify the status of the Young Woman's Christian Association Retirement Fund as a defined contribution plan for certain purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. MURKOWSKI. Mr. President, I rise to introduce a bill that will clarify the legal status of the Young Women's Christian Association's Retirement Fund.

The YWCA Retirement Fund is one of the oldest pension plans serving the retirement needs of women. This bill will help protect the retirement security of thousands of YWCA employees nationwide who serve well over a million users.

Whether it is providing day care for working mothers, keeping a battered women's shelter open, or meeting the other pressing needs of women in our communities, the YWCA has a long tradition of service. Those who work at our local YWCAs deserve to know that their retirement plan is secure.

Today, the YWCA Retirement Fund is a unique pension program. First, approximately 90 percent of its participants are women. Second, it is a multiple employer pension plan—one that relies on 300 local YWCAs to make funding contributions. And lastly, since it was established in 1924, the pension plan's structure has remained generally unchanged—it is partially a defined benefit plan, and partially a defined contribution plan.

Recently, some employers have transformed their traditional defined benefit pension plans into various types of "hybrid" plans, and in the process, some have reduced the rate at which benefits accrue for their older workers. Older workers have successfully challenged some of these arrangements as age discriminatory. During its more than 80-year history, the YWCA Retirement Fund has never treated any worker differently based on age or longevity of employment. Most of the controversy surrounding these plans focuses on how employers treat certain participants when they convert their pre-existing pension plans. But the YWCA pension program never converted—its basic structure has remained the same since it was established 1924.

The success of some of these lawsuits has raised questions about whether the YWCA pension plan could be found to be age discriminatory merely on the basis of its design. This threat is particularly acute given the fact that the YWCA Retirement Fund is a multiple employer pension plan—a plan that relies on contributions from each local YWCA. This enormous potential liability would be shared jointly by all local YWCAs. Under current law, even the mere threat of lawsuit could cause local YWCAs to end their participation in this plan.

If enacted, this legislation would merely classify the YWCA retirement plan as a defined contribution plan only for the purpose of testing for age discrimination—it would continue to protect participants from being treated differently on the basis of age while eliminating the potential crippling legal threat.

Legislation was enacted in 2004—Public Law 108-476—to clarify the legal status of the YMCA pension plan, a plan that is similar to the YWCA plan. Congress was right to protect the YMCA pension plan then and now it is

time to protect the pension plan serving our YWCAs.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3922

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "YWCA Retirement Plan Preservation Act of 2006".

#### SEC. 2. CLARIFICATION OF AGE DISCRIMINATION RULES.

(a) IN GENERAL.—A pension plan described in subsection (b) shall be treated as a defined contribution plan for purposes of sections 204(b)(1)(H) and 204(b)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(b)(1)(H) and 1054(b)(2)) and section 4(i)(1) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 623(i)(1)).

(b) PENSION PLAN DESCRIBED.—A pension plan described in this subsection is the plan subject to title IV of the Employee Retirement Income Security Act of 1974 maintained by the Young Women's Christian Association Retirement Fund, a corporation created by an Act of the State of New York which became law on April 12, 1924.

(c) EFFECTIVE DATE.—Subsection (a) shall apply in the case of any civil action brought on or after September 21, 2006, alleging a violation occurring before June 29, 2005, of section 204(b)(1)(H) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(b)(1)(H)), section 4(i)(1) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 623(i)(1)), or both, with respect to the plan described in subsection (b).

Mr. HATCH (for himself and Mrs. FEINSTEIN):

S. 3923. A bill to establish a pilot program in certain United States district courts to encourage enhancement of expertise in patent cases among district judges; to the Committee on the Judiciary.

Mr. HATCH. Mr. President. I rise today to introduce with Senator FEINSTEIN legislation to establish a pilot program that is intended to enhance the level of expertise in patent cases among United States district court judges. In conversations with a number of constituents and both small and large companies in my home State of Utah, I have found that one of the frequent complaints by those who had been involved in patent litigation was that many district court judges had relatively little expertise in patent law, and—partially as a result—the decisions of trial courts are often overturned on appeal due to technical errors in construing patent claims. Obviously, this is frustrating for litigants, because it prolongs the uncertainty they experience and makes an expensive appeal of the trial court's decision much more likely. This bill seeks to address that problem by providing a way to increase the level of expertise among district court judges in patent cases.

The core provisions of this bill authorize a pilot project in at least five

judicial districts that have a significant patent litigation caseload. Under the pilot program, judges in these districts will be allowed to form a smaller pool of judges who are willing to accept a larger portion of the patent litigation docket in the district. The bill also authorizes additional resources to allow participating courts to hire law clerks with expertise in patent law and to provide for educational programs relating to patent law for the participating judges. It is our intention that this program will allow these judges to acquire greater experience in handling patent trials, decrease the amount of time that patent cases take to resolve, and reduce reversals on appeal by enhancing the level of experience and expertise of judges and law clerks handling these cases. The project is authorized for at least five judicial districts, to be designated by the Administrative Office of the United States Courts, and will last for a 10 year period.

The bill also requires Administrative Office of the United States Courts and the Federal Judicial Center to provide a report to Congress on the results of the pilot program, along with additional information that will allow Congress to determine whether this approach has had the beneficial effects that we anticipate.

Those who are following the patent debates in Congress closely will notice that this bill is very similar to a bill introduced in the House by Representatives ISSA and SCHIFF, and I would like to acknowledge their work on this issue, as well as the work of other members of the House Judiciary Committee and the Subcommittee on Courts, the Internet, and Intellectual Property. I would also like to thank my colleague from California, Senator FEINSTEIN, for her interest in this issue and for her willingness to cosponsor this bill.

I should also note that further refinements to this language will likely be necessary as it moves through the legislative process. In particular, we need to include a provision which would preserve a sufficient element of random assignment among judges. I understand some of my Senate colleagues have reservations about including this provision, but we will deal with that issue as the bill progresses.

I hope my colleagues in the Senate will join Senator FEINSTEIN and me by supporting this legislation.

I yield the floor.

By Ms. CANTWELL (for herself, Mrs. MURRAY, Mr. BINGAMAN, and Ms. MIKULSKI):

S. 3924. A bill to amend title XXI of the Social Security Act to allow qualifying States to use all or any portion of their allotments under the State Children's Health Insurance Program for certain Medicaid expenditures; to the Committee on Finance.

Ms. CANTWELL. Mr. President, I rise today to introduce the Children's

Health Protection and Eligibility Act of 2006. I am delighted to have Senator MURRAY, BINGAMAN, and MIKULSKI introduce this bill with me today.

As health insurance costs continue to rise and the number of employers that offer health coverage to their employees decline, our safety net programs are all the more critical, especially for the health of our children. It is more important than ever to sustain existing health care coverage for our children—and, in fact, to expand it. It's the best way to reduce costs and improve access. It's about keeping children healthy.

New Census data released last month showed that the number of uninsured has grown from 41.2 million in 2001 to 46.6 million in 2005. These are largely working families—the number of fulltime workers without any insurance increased to 17.7 percent in 2005 from 16.8 percent in 2002.

In Washington, our Medicaid program is currently providing coverage for more than 500,000 children. Our State Children's Health Insurance Program is providing coverage to another 11,000 children. But 100,000 of our kids in Washington State remain uninsured even though they are eligible for one of the public programs.

One barrier to expanding kids' access to health care in Washington is the funding rules that were put into place when SCHIP was enacted in 1997. In short, our state has been punished for its early innovation for doing the right thing.

When SCHIP was enacted at the Federal level in 1997, Washington was one of only four States already providing health coverage for children at the level Federal lawmakers wanted SCHIP to reach. Under the original Federal rules, Washington was not allowed to use new funds to pay for children who were covered prior to SCHIP's implementation.

As a result, we have been penalized and prevented from fully using our share of the funding. That is why in 2002 I worked to ensure a temporary fix to the funding inequity and I have been fighting to make this fix permanent ever since. And as a result of these temporary fixes, Washington has been able to extend coverage to an additional 60,000 children and reinvest \$47.3 million in children's health safety net programs.

Despite this success, the State has still been forced to return over percent of its share of Federal funding. Over the first decade of the SCHIP program, Washington is expected to return \$191 million in Federal funds.

Let me say that again: we're returning millions of dollars to the Federal Government and we still have 100,000 uninsured children in our State—the majority of whom are eligible for these public programs.

It's unacceptable and it runs contrary to the central goal of the SCHIP program. We need a permanent solution once and for all so that Wash-

ington and the other States that expanded eligibility in their Medicaid programs before the enactment of SCHIP in 1997 are no longer penalized for their early innovation and their commitment to the health of children.

This is why we are introducing the Children's Health Protection and Eligibility Act of 2006.

This legislation will give states the ability to use SCHIP funds more efficiently to prevent the loss of health care coverage for children. States that have made a commitment to insuring children could use their entire SCHIP funds allotment to maintain access to health care coverage for all low-income children in the state. The bill also ensures that all of the qualifying States that have demonstrated a commitment to providing health care coverage to children can access SCHIP funds in the same manner to support children's health care coverage. Finally, this bill allows States that have expanded coverage to the highest eligibility levels allowed under SCHIP, and meet certain requirements, to receive the enhanced SCHIP match rate for any kids that had previously been covered above the mandatory level.

The requirements are best practices that have been tested and proven all across our Nation: a simplified application process, twelve-month continuous eligibility and easy access to enrollment staff are just a few of the examples of actions that we have taken in Washington that are proven to work. They result in more children having coverage and accessing appropriate care. Many of our States are working to make the program easier for children and families to navigate and now Congress needs to make it easier for all States to access their SCHIP allotment in order to expand and improve coverage to our youngest citizens.

Children are the leaders of tomorrow; they are the very future of our great Nation. We owe them nothing less than the sum of our energies, our talents, and our efforts in providing them a foundation on which to build happy, healthy and productive lives. With the rising number of uninsured and the ever-increasing healthcare costs, it is more important than ever to maintain existing health care coverage for children in order to hold down health care costs and to keep children healthy. Removing barriers for innovative states and allowing them to fully access their SCHIP allocation is a major step in achieving this goal. I urge my colleagues to join us in support of this bill and ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3924

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

# SECTION 1. AUTHORITY FOR QUALIFYING STATES TO USE ALL OR ANY PORTION OF THEIR SCHIP ALLOTMENTS FOR CERTAIN MEDICAID EXPENDITURES.

(a) IN GENERAL.—Section 2105(g)(1)(A) of the Social Security Act (42 U.S.C. 1397ee(g)(1)(A)) is amended by striking “not more than 20 percent of any allotment under section 2104 for fiscal year 1998, 1999, 2000, 2001, 2004, or 2005” and inserting “all or any portion of any allotment made to the State under section 2104 for a fiscal year”.

(b) ADDITIONAL REQUIREMENTS.—Section 2105(g)(2) of such Act (42 U.S.C. 1397ee(g)(2)) is amended—

(1) by striking “a State, that, on” and inserting “a State that is described in subparagraph (A) and satisfies all of the requirements of subparagraph (B).”

“(A) STATE DESCRIBED.—A State described in this subparagraph is a State that, on”; and

(2) by adding at the end the following:

“(B) REQUIREMENTS.—The requirements of this subparagraph are the following:

“(i) NO REDUCTION IN MEDICAID OR SCHIP INCOME ELIGIBILITY.—Since January 1, 2001, the State has not reduced the income, assets, or resource requirements for eligibility for medical assistance under title XIX or for child health assistance under this title.

“(ii) NO WAITING LIST IMPOSED.—The State does not impose any numerical limitation, waiting list, or similar limitation on the eligibility of children for medical assistance under title XIX or child health assistance under this title and does not limit the acceptance of applications for such assistance.

“(iii) PROVIDES ASSISTANCE TO ALL CHILDREN WHO APPLY AND QUALIFY.—The State provides medical assistance under title XIX or child health assistance under this title to all children in the State who apply for and meet the eligibility standards for such assistance.

“(iv) PROTECTION AGAINST INABILITY TO PAY PREMIUMS OR COPAYMENTS.—The State ensures that no child loses coverage under title XIX or this title, or is denied needed care, as a result of the child's parents' inability to pay any premiums or cost-sharing required under such title.

“(v) ADDITIONAL REQUIREMENTS.—The State has implemented at least 3 of the following policies and procedures (relating to coverage of children under title XIX and this title):

“(I) SIMPLIFIED APPLICATION FORM.—With respect to children who are eligible for medical assistance under title XIX, the State uses the same simplified application form (including, if applicable, permitting application other than in person) for purposes of establishing eligibility for assistance under title XIX and this title.

“(II) ELIMINATION OF ASSET TEST.—The State does not apply any asset test for eligibility under title XIX or this title with respect to children.

“(III) ADOPTION OF 12-MONTH CONTINUOUS ENROLLMENT.—The State provides that eligibility shall not be regularly redetermined more often than once every year under this title or for children eligible for medical assistance under title XIX.

“(IV) SAME VERIFICATION AND REDETERMINATION POLICIES; AUTOMATIC REASSESSMENT OF ELIGIBILITY.—With respect to children who are eligible for medical assistance under section 1902(a)(10)(A), the State provides for initial eligibility determinations and redeterminations of eligibility using the same verification policies (including with respect to face-to-face interviews), forms, and frequency as the State uses for such purposes under this title, and, as part of such redeterminations, provides for the automatic reassessment of the eligibility of such children for assistance under title XIX and this title.

“(V) OUTSTATIONING ENROLLMENT STAFF.—The State provides for the receipt and initial processing of applications for benefits under this title and for children under title XIX at facilities defined as disproportionate share hospitals under section 1923(a)(1)(A) and Federally-qualified health centers described in section 1905(1)(2)(B) consistent with section 1902(a)(55).”.

(C) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2006, and shall apply to expenditures described in section 2105(g)(1)(B)(ii) of the Social Security Act (42 U.S.C. 1397ee(g)(1)(B)(ii)) that are made after that date.

By Mr. LUGAR:

S. 3925. A bill to provide certain authorities for the Secretary of State and the Broadcasting Board of Governors, and for other purposes; read the first time.

Mr. LUGAR. Mr. President, I am introducing legislation today at the request of the executive branch and will be seeking unanimous consent to request its passage as soon as possible. The Foreign Affairs Management Authorities Act of 2006 contains provisions requested by the State Department and the Broadcasting Board of Governors that will enable the two agencies to carry out their work more efficiently and effectively.

Title I of this bill creates a new pay for performance system for Foreign Service officers with the rank of O1 and below and creates a uniform worldwide pay scale. The American Foreign Service Association supports these. I am including a letter from Anthony Holmes, the AFSA President.

The Senior Foreign Service already participates in a pay for performance plan as mandated in previously enacted law, Section 412(a)(2) PL108-447, Div. B. The legislation replaces “within grade increases” with a requirement that, upon the introduction of the new Foreign Service Schedule in April 2008, any further adjustments in pay are tied to individual performance rather than longevity of service. It directs the Secretary of State to pay to each member of the Service an adjustment taking into account “individual performance, contribution to the mission of the Department, or both, under a rigorous performance management system that makes meaningful distinctions based on relative performance and that clearly links individual pay and performance under precepts prescribed by the Secretary.” Each Secretary/head of agency utilizing the Foreign Service personnel system may implement this section in a manner most suitable to the unique circumstances of his or her agency. Poor performers would get no increase in pay. As with the Senior Foreign Service, the pay for performance planned for the Foreign Service would utilize multiple levels of performance distinctions. Performance-based adjustments normally would be made only once in any 12-month period.

Title I also provides a number of employee protections. It specifically guar-

antees a minimum funding pool for performance-based pay adjustments to ensure that, in the aggregate, employees are not disadvantaged by conversion to the new pay system. It authorizes selection boards to rank order employees for the purpose of recommending pay for performance salary adjustments, and requires agencies that use selection boards for pay for performance to follow the selection board rankings in allocating salary increases, except in special circumstances. The legislation does not impact the negotiation of procedures and appropriate arrangements for adversely affected employees with the employees’ representative, the American Foreign Service Association, AFSA.

Title I provides transitional authorities to the Secretary of State for use during the interim period before April 2008 when the new Foreign Service Schedule is established. It contains provisions that govern the conversion of employees to the new schedule and it provides for a one-year transition period from the current 14-step system. It also gives the Secretary authority to establish transitional rules that prevent a reduction in a member’s rate of pay by reason of conversion to the new system, among other measures that are to be applied to provide for a smooth transition.

In a long needed reform, Title I also provides uniform compensation for worldwide service by April 2008. It eliminates the disparity in pay between those serving in Washington, DC, and other domestic posts who receive locality pay increases and those serving overseas who do not. The discrepancy has skewed incentives to serve overseas and is inconsistent with mandatory worldwide and rotational assignment requirements. The Department estimates the cost of its three-stage transition to the new pay system to be \$32 million in its 2007 budget, \$64 million in 2008, and \$32 million in 2009. The legislation provides for pay conversion and establishes temporary rules for the period leading up to April 2008 as the transition takes place.

As Secretary Rice works to fill difficult posts around the world, including in Iraq and Afghanistan, and as our diplomats come increasingly under fire in tough places, it is common sense to restructure a pay system that, without reform, provides disincentives to serving overseas. The Foreign Service must know that our country stands behind them, appreciates their service, and is grateful for the contributions they make to the security of our country and the well-being of our citizens.

Title II contains a number of provisions that are contained in S.600, still being held on the Senate calendar. It also contains provisions that were requested by the executive branch subsequent to the Senate Foreign Relations Committee’s passage of S. 600. The provisions in Title II of this legislation are as follows:

Section 201. Education allowances modifies current law to: 1. permit payment of certain fees required by overseas schools for successful completion of a course or grade; 2. allow for travel to the United States for children in kindergarten through 12th grade when schools at post are not adequate; 3. allow for education travel to a school outside the United States for children at the secondary and college level; 4. provide for educational travel at the graduate level for children who are still dependents (students older than 22 would be ineligible for such travel); and 5. allow the option of storing a child’s personal effects near the school during their trip to post, rather than transporting the effects back and forth.

Section 202. Fraud Prevention and Detection Account broadens the Secretary of State’s authority to use a portion of fees collected for H-1B, H-2B and L-1 visas to investigate fraud in other visa categories, including fraud in connection with terrorist activities. Allowing an expanded use of the funds will assist the Department in developing a system that concentrates on H and L visa fraud, but will potentially reduce fraud among all visa classifications and increase the U.S. ability to disrupt terrorist travel.

Section 203. Extension of Privileges and Immunities extends diplomatic privileges and immunities to the African Union Mission to the United States and to the Permanent Observer Mission of the Holy See, and to members of both of these missions.

Section 204. International Litigation Fund allows the Department to retain awards of costs and attorneys’ fees when defending against international claims in addition to amounts currently allowed to be retained when it successfully prosecutes a claim.

Section 205. Personal Services Contracting; BBG, the legislation extends for one year a pilot program allowing the BBG to hire 60 U.S. citizens or foreign nationals on contract rather than as full-time government employees. Such authority gives the BBG the flexibility to hire, for the short or medium-term, broadcasters and on-air hosts in difficult languages, some with many dialects. The BBG uses the authority, for example, for surge capacity in Urdu and Arabic.

Inspector General, this section also establishes a limited authority for the State Department’s Office of the Inspector General (OIG) to hire personal service contractors (PSCs) to augment its ability to conduct oversight of programs and operations related to Afghanistan and Iraq. No more than 20 PSCs may be hired at any one time and, absent exceptional circumstances, the contract length for each PSC may not exceed two years. The Inspector General anticipates a need for additional staff once the Special Inspector General for Iraq Reconstruction’s (SIGIR’s) portfolio is either partially or fully transferred to the State Department. The OIG also expects an increase in short-term staffing needs to

carry out oversight responsibilities related to Afghanistan.

Section 206. Facilitating Service in Iraq and Afghanistan is a technical correction to an inadvertent drafting error in section 1602(a) of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (P.L. 109-234). The intent behind section 1602(a) was to provide the Secretary of State with additional authority to waive annuity limitations on reemployed Foreign Service annuitants to support U.S. efforts in Iraq and Afghanistan. As enacted, however, section 1602(a) has the unintended effect of cutting back significantly on the Secretary of State's pre-existing authority to waive Foreign Service annuity limitations in an emergency involving a direct threat to life or property or other unusual circumstances, without regard to geographic location. This technical correction restores the Secretary's pre-existing authority and provides the intended additional authorities with respect to Iraq and Afghanistan.

Section 207. Discontinuance of Duplicative or Obsolete Reports discontinues a number of reports that have been overtaken by events or contain material that is covered in other executive branch submissions to the Congress.

I ask my colleagues to give favorable and speedy consideration to this measure.

I ask unanimous consent that a letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN FOREIGN  
SERVICE ASSOCIATION,

Washington, DC, September 20, 2006.

Hon. RICHARD G. LUGAR,  
Chairman, Senate Committee on Foreign Relations, Washington, DC.

DEAR CHAIRMAN LUGAR: On behalf of the 14,000 members of the American Foreign Service Association (AFSA), please accept out sincere appreciation for your leadership during the 109th Session on a number of fronts of vital importance to our members and to the United States. In particular, AFSA is grateful for your determination to address the existing pay disparity between Washington-based Foreign Service personnel and those on assignment overseas. As you know, this pay equity issue has been our highest priority for many years.

I want you to know the great importance that AFSA attaches to passing legislation this year that will make the changes necessary to the Foreign Service Act of 1980 to permit a unified worldwide pay schedule. We realize that there are many issues that you and your colleagues are currently grappling with and will try to get passed before the mid-term election recess next week. Our great fear, one that we hope you can help us avoid, is that our modest bill, so important to our members, will be shunted aside with the rationalization that it can always be taken up again later. Mr. Chairman, we are afraid that your colleagues are in danger of missing an exceptional, perhaps unique, opportunity to resolve this pay equity issue and to guarantee a win/win outcome for all concerned by creating a model pay-for-performance personnel system for the Foreign Service that will be a shining example for the rest of the federal government.

The current inequity is profoundly unfair and undermines the moral of our Country's diplomatic corps. The U.S. Foreign Service must have all the tools it needs to implement our diplomatic and national security priorities around the globe, often under extremely challenging circumstances. One vital tool our nation can provide the men and women of the Foreign Service and their families is the validation of their essential efforts abroad that ending this pay disparity would provide. With the increasing difficulty of service overseas and continuing threats against American officials abroad, this measure would be the single most important morale booster that the Congress could provide. Conversely, a lack of immediate action on the proposed legislation would be a profound disappointment to our members.

Mr. Chairman, I know that you fully understand that Foreign Service members should not be penalized for serving abroad with a 17.5 percent pay cut. That simply isn't right. It is our sincere hope that you can persuade Congress to act on this issue now or a crucial opportunity will be lost.

Again, thank you for your leadership. AFSA is most grateful for your support and friendship.

Sincerely,

J. ANTHONY HOLMES,  
President.

By Mr. SANTORUM:

S. 3926. A bill to provide for the energy, economic, and national security of America, and for other purposes; to the Committee on Finance.

Mr. SANTORUM. Mr. President, I gave a speech a couple weeks ago about the situation in the Middle East. I want to just do a reprise of that in brief to discuss the context of introducing today what we call the Empower America: Securing America's Energy Future Act.

It comes from the basis that I believe we are facing in this country—a threat. We are, in my opinion, already in the very early stages of a world war. We can act now to make this threat—which I believe is a serious one but not yet fully actualized—less severe if we do certain things. One of them, as you will hear at the conclusion of my remarks, will be focusing on our energy situation here at home.

One of the things I hear as a frustration of so many people I talk to in Pennsylvania is they look at the conflicts we are in in Afghanistan, Iraq, and other places in the world, and they don't see an end or a strategy of how we succeed. I suggest that part of that strategy is in creating energy security and developing a whole host of energy resources in this country so that we are not dependent upon—or as dependent upon foreign sources of energy and that we develop the new technologies that will allow America to continue to grow and keep prices down, and not just because I want to keep them down for consumers, which is great, but so we are not providing enormous riches for people to develop nuclear weapons and turn around and harm the United States and our allies.

I believe the threat we face can be analyzed in a three-pronged approach. As I said on the floor last week or the week before, we face a threat, an

enemy most people refer to as terrorists. I do not refer to them as terrorists; I refer to them as who they are: radical Islamic fascists. They have an ideology. These are not people who kill for the purpose of killing. They don't kill because of hatred. They kill because they have a belief, an objective.

I know that for a year or two, the President, right after 9/11, referred to these terrorists as “cowards.” I notice that he doesn't do that anymore. I don't know of anybody who does that anymore. There is a reason: They are not cowards at all. These are people with great conviction. Some would even say that, in a demented way, they have great courage. But they are certainly not cowards. Calling them cowards gives the wrong impression to the American people that we are fighting a foe who is afraid of us or afraid of something. The problem is they seem to be afraid of very little when it comes to this world. They are willing to give up their lives. In fact, they want to give up their lives, and their objective, by the way, is to take as many other lives in the process. The object in this war is not territory; the object of this war is submission and death.

So we are not dealing with a group of cowards. When we tell the American public we are dealing with cowards, they don't think this is a serious enemy that can defeat us. America would never lose to a group of cowards. But we can lose to a group of fanatical, zealous Islamists, who have a clear mission and a clear methodology by which to accomplish that mission.

These are people who are very serious about what they want to do, whether it is radical Sunnis or radical Shias. They have an objective and a common enemy—as does the radical left, represented so comically, in my opinion, so ridiculously, by the speech of Hugo Chavez yesterday at the United Nations. What do Mahmud Ahmadi-Nejad, President of Iran, and Hugo Chavez have in common? Nothing except their hatred of everything this country holds dear—freedom, democracy, and individual human rights. That is what they hate. I would suggest they have as much in common as Mussolini and Hitler and Tojo. They had very little in common ideologically. The Japanese believed in the superiority of the Japanese race and wanted to conquer and rule the world. Hitler didn't believe in that, but they formed an alliance because there was a common enemy.

That is the case here. We are seeing it. It is, hopefully, a frightening sight put on display over the last couple of days at the United Nations, as this character of a President, this ridiculous diatribe Hugo Chavez presented to the U.N. received applause from many around the world—most leaders around the world. This is a serious threat. We can look at it and put it in political terms and say we went to war for the wrong reason and this or that wasn't true. But that is looking in the rear-view mirror when we have a huge

threat. So they have an ideology and a common enemy.

Secondly, they have a very effective methodology by which to conduct this war. It is one that doesn't require the kind of coordination and resources a traditional military campaign would require. They don't need to conquer land, to hold ground; they simply need to kill people every day. And they do—every day. And we cover it in America every day. American people watch it every day. And every day, the resolve of the American people is eroded. The resolve of the American people is eroded because—I will use the words of Osama bin Laden—because we Americans love life and the radical Islamists love death. That is how he said he would defeat us, because of America's and the West's love for life and respect for life, their attachment to this world, to the modern world, and the radical Islamist's attachment not to this world at all but to death, which, in their minds, means life—a better life with Allah. That is their objective, their methodology. Their methodology is to prey upon what they believe is the weakness of America, what they believe is the weakness of the West, which is the fact that we respect life, love life, we have human rights, and we believe in freedom. We believe it is our objective in this world to make it a better world. They don't care about that at all. So terror is a uniquely effective tactic that fits well into their culture of death and is particularly effective against our culture of life.

In addition, they are trying to develop a new weapon; that is, a nuclear weapon. Iran has made it very clear and Chavez has announced his intention to develop a huge arsenal of weapons of mass destruction to use, in the words of Ahmadi-Nejad, “to wipe Israel off the face of the earth” and use that weaponry to get the rest of the Western World to submit to their radical, fanatical brand of Islam.

This is their ultimate threat. This is the ultimate tactic of death and terror—to have a country that is committed publicly to using nuclear weapons not to defend itself, not to gain an earthly dominion over the world, but to cause mass chaos and destruction, in the case of Iran, for a religious purpose, because what they seek to accomplish is the return of the Hidden or 12th Imam. That is the 12th descendant of the Prophet Muhammad who, in the late 800s, went into hiding, according to the Shia religion, and is destined to return as the messiah of the Islamic faith at the end of times—the end of times meaning Armageddon. The interesting twist that the radical Shia project onto the world stage today is they believe it is their obligation to bring about the return of the Hidden or 12th Imam by causing a modern-day Armageddon. That is what they believe. You may not have heard this before, but let me assure you, that is what they believe. That is what they say. That is what they talk about all

the time, that this is their objective. It is a messianic vision; they are being compelled by their faith.

Some pass it off as a bunch of dictators who are just using religion to prop themselves up, to maintain control, or to try to dominate bigger areas of the world. Well, that would be bad enough. That would be dangerous enough. But I think we underestimate them when we say that. I think we underestimate President Ahmadi-Nejad and the ruling mullahs of Iran when we say that. I believe they are true believers, and I don't think we can afford the luxury of not believing that they believe this. I don't think we can dismiss them as another group of two-bit tyrants. These are two-bit tyrants who have billions upon billions of dollars and have allies like North Korea, who have access to nuclear technology. They have scientists from Russia who left Russia because there is nothing for them to do, and they are in Tehran today developing rocketry and the nuclear capability to project that power.

Some would say I am beating the drums of war. No. I am accurately describing the situation at hand. Some disagree with me, and they are welcome to. Do you want to take that chance? Do you want to take the chance of having a nuclear weapon? They are clear about their intention of developing it. Do you want to take that chance? I don't.

How did this happen? Radical Islam has been present in the Middle East for a long time. We have not heard much from them except when? In the last 30, 40 years. Why? The price of oil. It is oil, to begin with, and now the high price of oil. It gives them the resources to not only feed the people to keep them in power but to produce weapons to project power. The only reason, again, they have those resources is because of this one three-letter word—oil—which brings me back to the beginning of this discussion.

If we are going to defeat radical fascist Islam, then we have to have a strategy to take resources away from them so they cannot project the power they can today. The only way to do that is by developing a more secure energy future for America and reducing our dependency on that oil, which would reduce the price of energy around the world. We need to encourage not only alternative energy production in this country; we have to do so around the world by using alternative technology such as, for example, as I talk about in the bill, coal.

One of the greatest new energy consumers in the world is China. They don't have a lot of oil, but they have a lot of coal. So it is an opportunity for us, with coal to gas and coal to liquid fuels technology, developing and commercializing that technology. And it is not just going to be coal to liquid fuels, but if you talk to folks in the business who are developing these plants right now—and one is being developed in

Pennsylvania, which I have been involved with—they believe they can use all sorts of organic matter, such as waste products, to blend in with the coal to be able to produce liquid fuel.

We need to have that technology in America, and they need to have that technology, and they are developing it, by the way, in China. We need to create from the vast amount of energy opportunities that we have in America and around the world new technologies so oil becomes less of a valuable commodity. This is one concrete way we can fight the war on radical Islamic fascism.

I have put together a bill that talks about making—it does, if it would be passed—a huge investment, a huge investment in alternative technologies, a huge investment in coal, a huge investment in renewables to create a more secure energy future for America. We can no longer talk about how we are going to do this or that we will do it at some future date. We must act now, quickly. We need to provide support for the commercialization of this technology. We are not going to see energy produced at \$20 a barrel, the equivalent of oil. We are not going to see it done at \$30 or \$40 a barrel. It may be more expensive. We have to make sure we provide proper support in loan guarantees, incentives, and tax credits to make this a profitable venture and a secure venture for people to invest in.

This is not something that normally I have come to the Chamber and said that this is the Government's job. This is national security. This is not about subsidizing big business. This is about producing energy here for the security of our country. We either make the investment here or we pay a horrible price, human as well as financial, in the future.

We need to think big, and we need to think now. That is why—when I spoke about the comments the Senator from Louisiana made before I came to the floor on opening up OCS—it is unconscionable for us to look at the national security situation we look at today, to look at the subsidies we are providing to our enemies and say: Oh, oh, we can't explore for oil in Alaska or OCS. Oh, we are worried about the environment.

I am worried about the environment, too. In my State of Pennsylvania, in the western part of our State, we drill 3,000 gas wells a year—3,000—on farms, in neighborhoods, outside neighborhoods, in people's backyards. At Oakmont Country Club, which is where the U.S. Open is going to be played, they are going to drill a gas well right next to Oakmont Country Club. That is pretty much an environmental area. Nobody wants to pollute Oakmont Country Club. We are going to drill a gas well there.

Yet there are people on this floor who won't drill those wells in Alaska where nobody goes, where nobody is. As a result, our country is at risk. We feed an enemy huge resources to combat us

in their attempt to destroy us. It is unconscionable for us, a country that produces oil and gas cleaner and more efficiently than any other country in the world, to allow our enemy to hold us, not just hostage, but to gain resources to destroy us because we placate an interest group who funds, campaigns, and influences voters.

I know many in this Chamber and many in this country do not believe we are at war or do not believe this war is serious. Time will tell. I think, unfortunately, time will tell us in a relatively short period of time how serious this is, and we will look back on this time as we stood year after year for the past 10 years twiddling our thumbs, not doing what we can do to provide a more secure energy future for this country, and we will look back in horror of the blinders, of the scales we had on our eyes that we could not see the threat before us.

We must do something. The bill I am introducing today is a comprehensive package that does a lot to make America a safer country, first and foremost, from a national security perspective and, secondly, from an economic perspective.

I know we only have a week left. The Senator from Louisiana talked about trying to get a bill done. Let's get something done. I plead for us to get something done to create some new sources of energy for this country, to put some downward pressure on world market prices. It is essential for us to do so.

We need to make this commitment for the future of our country.

By Mrs. BOXER.

S. 3927. A bill to require the placement of blast-resistant cargo containers on all commercial passenger aircraft; to the Committee on Commerce, Science, and Transportation.

Mrs. BOXER. Mr. President, I was pleased that the Senate leadership finally agreed to consider a port security bill last week. It is high time we did more about security at our ports.

Our ports are a soft target. We knew this before 9/11 and many experts have warned us since that terrible day that our ports are vulnerable to attack.

Since the port security bill was signed into law at the end of 2002, we have not moved forward on port security, and it remains dangerously underfunded. Since the 9/11 attacks, we have spent only \$816 million on port security grants, despite Coast Guard estimates that \$5.4 billion is needed over 10 years.

Addressing port security is critical. However, security for other transportation modes is important, but the Republican leadership wanted us to do port security and nothing else.

Through the efforts of many Senators, provisions for rail and transit security were included. But, the final bill the Senate approved does not contain any major provisions for aviation security. Yes, aviation security has improved greatly in the last five years.

But, as we recently found out with the aviation terrorist plot uncovered by the British authorities, there are still holes in the system.

Transportation Security Administration, TSA, has implemented new security procedures since we learned of the London terror plot to detonate liquid explosives on flights from Great Britain to the United States. While I support these new procedures, TSA is asking passengers to give up their lip gloss, yet we are not examining cargo loaded on board our passenger planes.

I am pleased that the Department of Homeland Security will launch a pilot program at San Francisco Airport, SFO, this October to check all commercial cargo for explosives on passenger flights.

We should be doing this at every airport to ensure the security of the flying public and the solvency of the airline industry. But until that time, at the very least, we need to use at least one blast resistant cargo container on passenger planes that carry cargo. This was one of the recommendations of the 9/11 Commission.

For several years, I have been working to get these containers on planes.

Currently, TSA is undertaking a pilot project using these containers, some of which are made with Kevlar, for cargo. But we must move past pilot programs.

We should use blast-resistant containers for cargo on all passenger planes. That is why I am introducing a bill to do just that.

The 9/11 Commission recommended, TSA should require that every passenger aircraft carrying cargo deploy at least one hardened container to carry any suspect cargo. Therefore, all passenger planes should have at least one blast-resistant container for cargo.

To place one blast-resistant container on each plane, it would cost about \$75 million—this is equal to the cost of a little more than 5 hours in Iraq. Imagine the impact on the security of the country and the financial outlook for the airline industry if a plane were to explode during a flight.

We owe this to the American people. We cannot allow terrorists to exploit holes in our aviation security system.

By Mrs. BOXER:

S. 3928. A bill to provide for the Office of Domestic Preparedness of the Department of Homeland Security to provide grants to local governments for public awareness education relating to preparedness for natural disasters, terrorist attacks, and influenza pandemic; to the Committee on Homeland Security and Governmental Affairs.

Mrs. BOXER. Mr. President, in the last 5 years, Americans have faced both devastating terrorist attacks and natural disasters. We have also been warned that an avian flu pandemic is a strong possibility.

In California, we have had fires, floods, mudslides, and earthquakes—thankfully not the big one.

We have learned that disasters are inevitable. Being prepared is crucial—especially when the American people cannot rely on the Federal Government, which was demonstrated by the poor Federal response in Hurricane Katrina. Department of Homeland Security Secretary Michael Chertoff has even said, People should be prepared to sustain themselves for up to 72 hours after a disaster.

Therefore, being prepared and knowing how to respond in the days following a natural disaster is extremely important. However, people do not know how to prepare, and, unfortunately, local governments may lack the resources to educate their residents.

According to the Los Angeles Times, Los Angeles County officials could not afford to distribute pamphlets on earthquake preparedness for individuals with special needs.

That is why I am pleased to introduce legislation that will provide grants, through the Department of Homeland Security's Office of Domestic Preparedness, to local governments to educate the public about how to deal with natural disasters, terrorist attacks, and an influenza pandemic.

It is important that we work to make sure that local communities are able to prepare their citizens to deal with future disasters.

I hope my colleagues will support this legislation.

#### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 578—RECOGNIZING THAT THE OCCURRENCE OF PROSTATE CANCER IN AFRICAN AMERICAN MEN HAS REACHED EPIDEMIC PROPORTIONS AND URGING FEDERAL AGENCIES TO ADDRESS THAT HEALTH CRISIS BY DESIGNATING FUNDS FOR EDUCATION, AWARENESS OUTREACH, AND RESEARCH SPECIFICALLY FOCUSED ON HOW THAT DISEASE AFFECTS AFRICAN AMERICAN MEN

Mr. KERRY submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 578

Whereas the incidence of prostate cancer in African American men is 60 percent higher than any other racial or ethnic group in the United States;

Whereas African American men have the highest mortality rate of any ethnic and racial group in the United States, dying at a rate that is 140 percent higher than other ethnic and racial groups;

Whereas that rate of mortality represents the largest disparity of mortality rates in any of the major cancers;

Whereas prostate cancer can be cured with early detection and the proper treatment, regardless of the ethnic or racial group of the cancer patient;

Whereas African Americans are more likely to be diagnosed earlier in age and at a